

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter Altenschöpfung et al.

Title: TRANSDERMAL
GRANISETRON

Appl. No.: 10/544,259

Patent No.: 7,608,282

Filing Date: 12/9/2005

Issue Date: 10/27/2009

Examiner: S. Tran

Art Unit: 1615

Conf. No.: 1348

RENEWED
REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.705

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully renew their request for reconsideration of the Patent Term Adjustment (PTA) determined for the above captioned patent. The USPTO indicated in the communication mailed September 22, 2009, that a decision on Applicants' initial request was dismissed as premature until after the actual patent date. As noted above, the patent has now issued on October 27, 2009) as U.S. Patent No. 7,608,282.

The Patent Office determined that the patent was entitled to 260 days of PTA. Applicants believe that this PTA determination was made in accordance with the "Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. §154(b)(2)(A)" published at 69 Fed. Reg. 34238 (Jun. 21, 2004). Under that interpretation of the PTA statute, any PTO delay under 35 U.S.C. § 154(b)(1)(A) is deemed to overlap with any 3-